

REMARKS

Status of the Claims

Claim 40 is hereby canceled without prejudice. Claims 35-39 and 41-47 are elected and pending in this application. Claims 48-54 are not elected and are hereby canceled without prejudice. New claims 55-59 are hereby added. Claims 35-39, 41-47, and 55-59 are now pending. Of these pending claims, claims 35, 43, and 58 are the independent claims.

IDS filed March 26, 2004

Applicant submits herewith a copy of the International Search Report apparently lost from the original submission of the Information Disclosure Statement (IDS) on March 26, 2004. This reference is identified as C1 on the 1449 that accompanied that initial IDS. A copy of that 1449 also is enclosed with the copy of C1. Applicant requests that the Examiner return an initialed copy of this 1449 to indicate that C1 has now been received and considered.

Double Patenting

Claims 35-40 and 42-47 are rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1, 5, 6, 9, and 14 of U.S. Patent No. 6,733,536. A terminal disclaimer with respect to U.S. Patent No. 6,733,536 is filed herewith. Reconsideration and withdrawal of the rejection is respectfully requested.

35 U.S.C. §102 Rejections

Claims 35-47 are rejected under 35 U.S.C. §102(e) over Datta et al (US PG pub 20030045924). Applicant traverses.

Datta discloses a biodegradable stent made from a biodegradable fiber having an inner core and an outer layer (Abstract). The inner core material is selected to degrade by hydrolysis and break down into small granular particles that are removed easily by body fluids. The outer layer has a relatively slow rate of hydrolysis that degrades or erodes to expose a fibrillar

morphological structure that allows the outer layer to soften with time after exposure to body fluids rather than break up into large pieces that can cause obstruction or occlusion of the lumen. See [0050-0051]. After the stent has degraded to a state wherein it is substantially one or more soft, flexible fragments or filaments, it is readily passed from the urethra out of the patient's body with urine flow. See [0070] and also the Abstract, [0054], and [0097].

There simply is no teaching or suggestion in Datta that the stent could or should include a removal segment as recited in each of applicant's independent claims.

Nor are any of the elements in Datta that are identified in the Office action as the removal segment (i.e., 715, 712, or 702) the same as, or even similar to, the removal segment recited in each of applicant's independent claims. According to Datta, the stent 700 illustrated in FIGS. 10 and 11 is made from double fibers 710 having inner cores 712 and outer cores 715 and a longitudinal passage 702. Inner and outer cores 712, 715 are merely layers of the wound, coiled fiber and form segments 740 and 730. Longitudinal passage 702 is not a removal segment either but rather is a passageway.

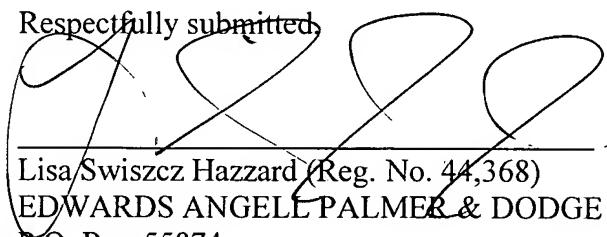
Datta at least fails to teach or suggest the removal segment recited in each of the independent claims.

CONCLUSION

In view of the foregoing, applicant respectfully requests reconsideration, withdrawal of all grounds of rejection and allowance of pending claims 35-39, 41-47, and 55-59 in due course.

The Examiner is encouraged to contact applicant's undersigned representative by telephone at the number listed below if a conversation would clarify anything and/or address any outstanding issues.

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Respectfully submitted,

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